



1 **State Board of Community Colleges Code**
2 **TITLE 3 – RULEMAKING PROCESS AND CODIFICATION SYSTEM**

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4 **CHAPTER B. RULEMAKING PROCESS**

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6 **SUBCHAPTER 400. TEMPORARY RULES**

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8 **3B SBCCC 400.1 Temporary Rule Standard**

9 The SBCC has the authority to adopt a temporary rule or amend or repeal an existing rule
10 on a temporary basis for the following reasons: ~~to comply with federal or state law, and~~
11 ~~federal or state law requires adoption in a time period less than the rulemaking time period~~
12 ~~allotted by the SBCC Code.~~

13 (a) To comply with federal or state law, and federal or state law requires adoption,
14 amendment, or repeal in a time period less than the rulemaking time period allotted
15 by the SBCC Code;

16 (b) To address a serious or unforeseen threat to the public health or safety; or

17 (c) To address an unforeseen circumstance where the State Board finds that adherence
18 to the notice and hearing requirements in the SBCC Code would be contrary to the
19 public interest of students or other community college stakeholders.

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21 *History Note: Authority G.S. 115D-5;*

22 *Eff. June 1, 2017; June 1, 2014.*

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24 **3B SBCCC 400.2 Adoption of Temporary Rules**

25 (a) The SBCC has the authority to adopt a temporary rule or amend or repeal an existing
26 rule on a temporary basis without prior notice or hearing or upon any abbreviated
27 notice or hearing the SBCC finds practical at the SBCC meeting immediately following
28 the event precipitating the need for a temporary rule.

29 (b) The SBCC shall publish the temporary rule on the NCCCS website within five
30 business days after the SBCC adopts the temporary rule or amend or repeal an
31 existing rule on a temporary basis. A statement specifying the basis for adopting a

1 temporary rule or amending or repealing an existing rule on a temporary basis rather
2 than following the process for a permanent rule shall accompany the temporary rule
3 when it is published on the NCCCS website.

4 (c) The temporary rule expires on the earliest of the following dates: 60 calendar days
5 from the date it was published on the NCCCS website. If the temporary rule is to be
6 effective beyond 60 calendar days from the date it was published on the NCCCS
7 website, the process for the permanent rule must be initiated at the same time the
8 SBCC adopts the temporary rule.

9 (1) The date specified in the temporary rule.

10 (2) The effective date of the permanent rule adopted to replace the temporary rule.

11 (3) 180 calendar days from the date the temporary rule was published on the NCCCS
12 website, unless the permanent rule has been submitted to the SBCC for initiation
13 of the rulemaking process within the 180 calendar days from the date the
14 temporary rule was published on the NCCCS website. If the permanent rule
15 initiated to replace the temporary rule is not adopted by the SBCC within 90
16 calendar days from the date the SBCC initiated the permanent rulemaking
17 process, the temporary rule shall expire 90 days from the date the SBCC initiated
18 the permanent rulemaking process.

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20 *History Note: Authority G.S. 115D-5;*

21 *Eff. June 1, 2017, June 1, 2014.*